



State of West Virginia
Office of the Attorney General

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Attorney General

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Request for Proposal for Legal Services To Represent the West Virginia Lottery Commission

The West Virginia Lottery Commission (the "Lottery") has requested legal representation to assist with pending litigation regarding interstate lottery games in Illinois.

More specifically, the Lottery seeks legal representation to assist the Lottery with the case of *Rhonda Rasche et al. v. B.R. Lane et. al.*, Civil Action No. 15 cv 7918 in the United States District Court for the Northern District of Illinois. This matter requires an attorney licensed to practice in Illinois and admitted to the United States District Court for the Northern District of Illinois.

Qualified law firms or attorneys are invited to submit a proposal on or before November 20, 2015, to assist with the Office of the West Virginia Attorney General's representation of the Lottery. Selection of a winning proposal or proposals, if any, will be made as soon as possible after that date with representation to commence forthwith upon selection.

Background

Lottery is in need of legal assistance with the case of *Rhonda Rasche et al. v. B.R. Lane et. al.*, Civil Action No. 15 cv 7918 in the United States District Court for the Northern District of Illinois.

Accordingly, Lottery seeks particular experience as follows:

- Lottery regulation
- General litigation
- Injunctive and other equitable relief
- State immunity issues
- State sovereignty issues
- Ability to provide said legal services on a time-sensitive basis

Scope of Representation

The client is WVAGO in its representation of the Lottery. An attorney or firm, if any, will be selected for each of the separate legal matters set forth above, and will work in close coordination with the Lottery, as well as the organization's legal counsel provided by the Attorney General's Office, to provide the legal services for the duration of the litigation.

Conflict of Interest Information

In addition to disclosing any prior representation of the Lottery, the bidding firm or attorney should disclose matters where they have previously been adverse to the Lottery as well as any other matter(s), that could impact a conflict analysis for this potential client.

Your Proposal

No specific form is required of your proposal, but it should address those factors identified in the Attorney General's Outside Counsel Policy,¹ and should also address your experience and demonstrated skill (via references, example documents, and/or a descriptive narrative) in the following practice areas:

Your proposal should address your experience and demonstrated skill (via references, example documents, and/or a descriptive narrative) in the following practice areas:

1. Lottery regulation
2. General litigation
3. Injunctive and other equitable relief
4. State immunity issues
5. State sovereignty issues

¹ Pursuant to the Outside Counsel Policy, the Attorney General shall consider the following factors when determining the most competitive proposal for legal services:

- Whether the private attorneys possess the requisite skills and expertise needed to handle the legal matters in question;
- Whether the private attorneys possess requisite staffing and support to handle the scope of the litigation or matter;
- Whether the private attorneys, or any members of the private attorneys' law firm, have been subject to reprimand by the West Virginia State Bar, or other entities, for unethical conduct;
- Whether the private attorneys have been peer rated, and if so, what peer ratings they have received, along with any other recognitions or awards for legal services;
- The estimated fees, costs and expenses of the private attorneys to perform the legal services requested;
- The willingness of the private attorneys to enter into alternative billing arrangements;
- Whether the private attorneys are in compliance with all applicable laws of the State of West Virginia;
- Any potential conflicts of interest between the private attorneys and the State;
- Any relevant input from the state entity client, if applicable, regarding the needed legal services; and
- Any such other relevant factors as may be identified by the Attorney General.

In addition, your proposal should disclose any prior legal work you have performed for the Lottery, as well as any experiences that may particularly qualify you for the requested legal representation.

If you propose to bill hourly rates, please state them separately for each attorney or paralegal to be assigned to this representation and indicate the approximate proportion of total time that will be billed at each rate. Computerized legal research tools, such as WESTLAW or LEXIS, may not be billed as an expense. Please state your per-unit costs (if any) for expenses such as copying; whether you will bill for travel expenses and at what rate; and whether and how you bill for any additional attorney-time while traveling. Representations made in your proposal will supersede any conflicting terms that are less favorable to the client appearing in any written contract or invoice.

Evaluation and Acceptance

Your proposal will be evaluated by the Office of the Attorney General in consultation with Lottery. Any and all proposals may be rejected. Your proposal should be addressed to the Office of the Attorney General and emailed to rfpresponse@wvago.gov. This Request for Proposal shall be known as RFP # 50, and any and all correspondences relating to this Request for Proposal should reference RFP # 50. All proposals must be received by email no later than Friday, November 20, 2015, at 5:00 p.m. Any questions regarding this request for proposal should likewise be emailed to rfpresponse@wvago.gov.

Retention of the selected attorney or firm, if any, is conditioned upon execution of a written contract approved by the Attorney General. In no event will any such contract preclude the termination of the representation at any time by official action of the Lottery, and/or the Office of the Attorney General.

Thank you for considering this Request for Proposal.